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UNITED STATES DISTRICT COURT

**NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

20 Safeway Inc; Walgreen Co.; The Kroger Co.;) Case No. C07-5470 (CW)
21 New Albertson's, Inc.; American Sales)
22 Company, Inc.; and HEB Grocery Company,) Related per November 19, 2007 Order to
LP,) Case No. C04-1511 (CW)
23 Plaintiff,)
24 v.)
25 Abbott Laboratories,)
26 Defendant.)
27 _____)
28 (Caption continued on next page))

**ORDER GRANTING STIPULATION
MODIFYING CASE SCHEDULE AND
SETTING DEPOSITION PROCEDURES**

Hon. Claudia Wilken

1 _____) Case No. C07-5702 (CW)
2 SmithKline Beecham Corporation d/b/a)
GlaxoSmithKline,)
3 Plaintiff,)
4 v.)
5 Abbott Laboratories,)
6 Defendant.)
7 _____)
8 Meijer, Inc. & Meijer Distribution, Inc.,) Case No. C07-5985 (CW)
9 Rochester Drug Co-Operative, Inc., and) (Consolidated Cases)
Louisiana Wholesale Drug Company, Inc., on)
behalf of themselves and all others similarly)
situated,)
11 Plaintiffs,)
12 v.)
13 Abbott Laboratories,)
14 Defendant.)
15 _____)
16 Rite Aid Corporation; Rite Aid Hdqtrs Corp.;) Case No. 07-6120 (CW)
JCG (PJC) USA, LLC; Maxi Drug, Inc d/b/a)
17 Brooks Pharmacy; Eckerd Corporation; CVS)
Pharmacy, Inc.; and Caremark LLC,)
18 Plaintiffs,)
19 v.)
20 Abbott Laboratories,)
21 Defendant.)
22 _____)
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1 WHEREAS the parties jointly agree that an extension of the fact discovery cut-off
 2 is needed to complete discovery in the above captioned cases;

3 WHEREAS the parties jointly agree that modification of dates subsequent to the
 4 fact discovery cut-off is needed to accommodate such an extension;

5 WHEREAS this Stipulation does not alter the date of trial or final pre-trial
 6 conference;

7 WHEREAS the parties have made preliminary inquiries of the Court concerning
 8 the proposed new date for the hearing on dispositive motions and have been informed that the
 9 Court is no longer unavailable after mid-July 2009;

10 WHEREAS the parties jointly seek to conduct discovery efficiently and therefore
 11 have reached an agreement to provide procedures for depositions taken in these cases;

12 **IT IS HEREBY STIPULATED AND AGREED** by and among the attorneys for
 13 plaintiffs, Safeway Inc, Walgreen Co., The Kroger Co., New Albertson's, Inc., American Sales
 14 Company, Inc., HEB Grocery Company, LP, Rite Aid Corporation, Rite Aid Hdqtrs Corp., JCG
 15 (PJC) USA, LLC, Maxi Drug, Inc d/b/a Brooks Pharmacy, Eckerd Corporation, CVS Pharmacy,
 16 Inc., and Caremark LLC (collectively "Opt-Out Direct Purchaser Plaintiffs"); GlaxoSmithKline
 17 ("GSK"); Meijer, Inc. & Meijer Distribution, Inc., Rochester Drug Co-Operative, Inc., and
 18 Louisiana Wholesale Drug Company, Inc. (collectively "Class Direct Purchaser Plaintiffs")
 19 (collectively "Plaintiffs"), on the one hand, and attorneys for defendant, Abbott Laboratories
 20 ("Abbott"), on the other hand:

21 1. The case schedule is modified as set forth in the below chart:

Event	Modified Dates
<i>Fact Discovery Cut-Off</i>	2/27/2009
<i>Opening Expert Report (By Party Bearing Burden of Proof)</i>	4/3/2009
<i>Responsive Reports to Opening Reports</i>	4/24/2009
<i>Rebuttal Reports</i>	5/15/2009

Event	Modified Dates
<i>Plaintiff Rebuttal/ Rebuttal Reports</i>	N/A
<i>Expert Discovery Cut-Off</i>	6/8/2009
<i>Case Dispositive Motions</i>	6/18/2009
<i>Case Dispositive Oppositions</i>	7/9/2009
<i>Case Dispositive Reply</i>	7/23/2009
<i>Case Dispositive Motions Hearing</i>	8/6/2009
<i>Final Pre-Trial Conference</i>	10/20/2009
<i>Trial</i>	11/02/2009

2. Without prejudice to Plaintiffs' ability to amend their complaints in the future, Opt-Out Plaintiffs may amend their complaints before October 10, 2008.

3. Without regard to which Plaintiff group notices a deposition, the Plaintiffs may take 25 depositions of fact witnesses in the above captioned cases. Abbott may also take 25 depositions of fact witnesses in the above captioned cases. Each deposition noticed by either Plaintiffs or Abbott will be considered noticed in all of the above captioned cases and will be admissible, subject to objections relating to specific testimony, in all of the above captioned cases. The 25 depositions will include depositions of third parties and those taken under Rule 30(b)(6), but will not include depositions of expert witnesses disclosed by the parties. Each 30(b)(6) notice shall count as one deposition, regardless of the number of witnesses that testify on the topics listed in the notice.

4. The parties' agreement as to 25 depositions recited in paragraph 3 is without prejudice for any party to seek additional depositions, or to seek a protective order from the Court on the grounds that the number of depositions sought of a party (including its employees and former employees) is excessive, harassing, and/or not calculated to seek discoverable evidence, or to GSK's contention that Rule 30(a)(2)(A) limits the number of depositions of its employees or former employees that may be taken without agreement or leave.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2
3 Dated: September 23, 2008

4 By: /s/ Alexander F. Wiles

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Counsel for GSK

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7 Dated: September 23, 2008

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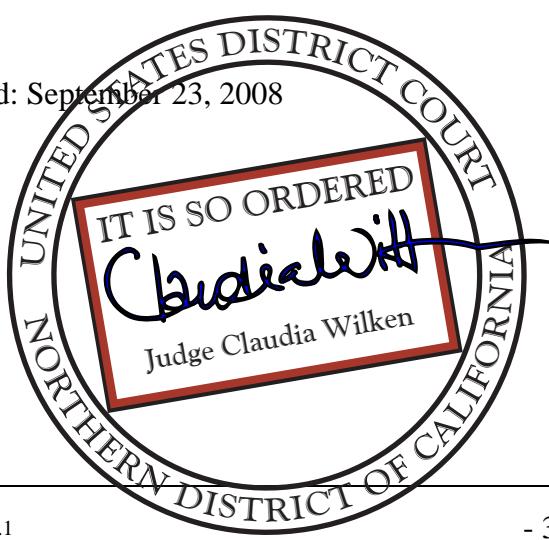
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9
10 I, Brendan Glackin, attest that concurrence in the filing of this document has been obtained from
all persons required to sign it.

11
12 /s/ Brendan Glackin
Brendan Glackin

13 Counsel for Class Direct Purchaser Plaintiffs

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